

Claim 34 has been amended to depend from Claim 1. Support for this amendment is in Claims 1 and 34 as filed.

Election/Restriction

Text from the Office Action is provided below in indented small bold print.

1. Restriction to one of the following inventions is required under U.S.C. 121:
  - I. Claims 1-26, 29-31, 33, 38-43, 79-84 drawn to an ingestible, classified in class 424, subclass 464.
  - II. Claim 27, drawn to N-ethanol-hexadeca-5,7-dieneamide, classified in class 424, subclass 9.6.
  - III. Claims 28, drawn to N-propylamine-eicosa-5,7-dieneamide, classified in class 424, subclass 49.
  - IV. Claims 32, 34-35, drawn to a food coating, classified in class 426, subclass 89.
  - V. Claims 36-37, drawn to a solid packing material, classified in class 428, subclass 35.
  - VI. Claims 44-67, 78, drawn to a method, classified in class 424, subclass 400.  
Claims 68-77, drawn to device, classified in class 374, subclass 162.8

The inventions are distinct, each from the other because of the following reasons:

2. Inventions of Group I, II, III, IV, V, VII and Group VI are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product can be used in a materially different process of using.
3. Inventions of Group I, II, III, IV, VI, VII and Group V are independent and distinct in that Groups I, II, III, IV, VI, VII do not require a packaging material as required by Group V.
4. Invention of Group I, II, III, IV, V, VI and Group VII are independent and distinct in that Groups I, II, III, IV, V, VI do not require a device as required by Group VII.
5. Inventions of Group I, II, III, V, VI, VII and Group IV are independent and distinct in that Groups I, II, III, V, VI, VII do not require a food coating as in Group IV.
6. Inventions of Group I, II, IV, V, VII and Group III are independent and distinct in that Groups I, II, V, VI, VII do not require the chromic change agent to be N-propylamine-eicosa-5,7-dieneamide as required by Group III.
7. Inventions of Group I, III, IV, V, VII and Group II are independent and distinct in that Groups I, III, V, VI, VII do not require the chromic change agent to be N-ethanol-hexadeca-5,7-dieneamide as required by Group II.
8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
9. Because these inventions are distinct for the reasons given above and the search required for Groups VI is not required for Group I, II, III or IV restriction for examination purposes as indicated is proper.
10. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
11. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species in Group I:

  - a) chromic change agent is a diacetylenic compound in claims 4, 15-25
  - b) halogenated mono- or polydiacetylenic compound in claim 5
  - c) diacetylenic compound comprised an end group in claim 26, 43
  - d) chromic change agent is selected from the group of claims 79-84

Species in Group VI:

  - a) method for effecting at least one color change in or on an ingestible in claims 44-50
  - c) method for detecting exposure to absolute temperature in claims 51-54

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- d) method for indicating a temperature of an ingestible in claim 55
- e) method for detecting exposure to moisture in claim 56
- f) method for detecting safe cooking level in claim 57
- g) method for indicating elevated body temperature in claim 58
- h) method for protecting food in claims 60-61
- i) method for applying a pattern in claim 62
- j) method for manufacturing an ingestible comprising a diacetylenic in claims 63-67
- k) method for written or graphical communication in claim 78

Applicant elects Group I without traverse. Applicant elects species a) of Group I. The claims that read on the elected species are 1-4, 6-25, 29-34, 38-42. Applicants note that the requested amendment of Claims 32 and 34 places them in Group I, species a).

Respectfully submitted,

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